



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ८, अंक १६]

गुरुवार, डिसेंबर २९, २०२२/पौष ८, शके १९४४

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असाधारण क्रमांक ४१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the **28th December, 2022** is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

L. A. BILL No. XXXIX OF 2022.

A BILL

to provide to establish and incorporate and to regulate the ITM Skills University, Navi Mumbai in the State, a Self-financed Skills University, to create skilled and employable youth, to encourage job creation and to promote delivery of quality skills education, startups, incubation, employability, training, counselling, apprenticeship training, on-job training and placements in an integrated manner with industry partnership, to promote inclusive growth by facilitating employment and providing self-employment guidance for the youth to enhance their incomes and for matters connected therewith or incidental thereto.

Whereas, it is expedient to provide to establish and incorporate and to regulate the ITM Skills University, Navi Mumbai in the State, a Self-financed Skills University, to create skilled and employable youth, to encourage job creation and to promote delivery of quality skills education, startups, incubation, employability, training, counselling, apprenticeship training, on-job training and placements in an integrated manner with industry partnership, to promote inclusive growth by facilitating employment and providing

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self-employment guidance for the youth to enhance their incomes and for matters connected therewith or incidental thereto, it is hereby enacted in the Seventy-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the ITM Skills University, Navi Mumbai Act, 2022.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “adjunct professor”, “adjunct associate professor”, “adjunct assistant professor” or “professor of practice”, means a person from industry, manufacturing and service sector, industrial associations, trade, agriculture, commerce, social, cultural, academic or any other allied field who is so designated during the period of collaboration or association with the University ;

(b) “apprenticeship training” means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices ;

(c) “authorities” means the authorities of the University as specified by or under this Act ;

(d) “Board of Management” means the Board of Management constituted under section 22 of this Act ;

(e) “campus” means the area of University within which it is established ;

(f) “center of excellence” means the state-of the art training or research center established in collaboration with industry association or for the benefit of the industry and society, to provide all types of skills to students, in-service employees, working professionals and to undertake joint projects ;

(g) “constituent institute” means a college or department or school or center or institute established by the sponsoring body which comes under the ambit of the University ;

(h) “employee” means any person appointed by the University and includes teachers, officers and other staff of the University ;

(i) “fee” means tuition fees, other fees and charges including developmental charges collected by the University or its colleges, institutions, skill centers or study centers, as the case may be, from the students by whatever name it may be called ;

(j) “Government” or “State Government” means the Government of Maharashtra ;

(k) “Governing Body” means the Governing Body constituted under section 21 of this Act ;

(l) “online and distance education” means education imparted by combination of any two or more means of communication, viz. broadcasting, telecasting, information communication technology, online, contact programmes and any other such blended methodology ;

(m) “notification” means a notification published in the *Official Gazette* ;

(n) “*Official Gazette*” means the Maharashtra Government *Gazette* ;

(o) “prescribed” means prescribed by rules or statutes or ordinances or regulations, as the case may be, made by or under this Act ;

(p) “on-job training” a technique wherein students or employees are given direct instructions to perform their jobs on the actual work floor ;

(q) “President” means the President of the University, who shall also be the Chancellor of the University ;

(r) “regulatory body” means a body established by the Central Government or State Government for laying down norms and conditions for ensuring academic standards of skills education ;

(s) “rules” means the rules made by the Government ;

(t) “section” means a section of this Act ;

(u) “Skill Department” means Skill, Employment, Entrepreneurship and Innovation Department, Government of Maharashtra ;

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2013.

(v) “sponsoring body” in relation to the University established under this Act means, the ITM Trust, with CIN No. U80301MH2021 NPL 354978, a company registered under section 8 of the Companies Act, 2013 having its registered office at Plot 25 and 26, Institutional Area, Sector 4, Kharghar, Navi Mumbai 410 210;

(w) “State” means the State of Maharashtra ;

(x) “Statutes”, “Ordinances” and “Regulations” mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act ;

(y) “student” means a person enrolled in the University for taking a program of study for a degree, diploma or other academic distinction instituted by the University, including post graduate, PhD degree and research degree ;

(z) “study center” means a center established and maintained by the University for the purpose of advising, career guidance and counseling or for rendering any other assistance required by the students in the context of all the programs including online and distance education offered by the University ;

(za) “skill center” means a training center established by the University or extended to the University by the industry, industry associations, corporates, companies and practitioners to provide skill training for the benefit of the industry, students, local population and all stakeholders ;

(zb) “teacher” means a professor, associate professor, assistant professor, adjunct professor, professor of practice, industry experts or resource persons or any other person required to impart education, skills, practical training, guide research or render guidance in any form to the students for pursuing a course of study of the University ;

(zc) “University” means the ITM Skills University, Navi Mumbai.

3. (1) There shall be established a University by the name of the ITM Skills University, Navi Mumbai. Incorporation of University.

(2) The President, the Vice-Chancellor, the Governing Body, the Board of Management, the Academic Council and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of ‘the ITM Skills University, Navi Mumbai’.

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The University shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or institute for the award and conferment of degree, diploma and certificate to the students admitted therein.

(5) The University shall be situated and have its head-quarters at ITM Skills University, Navi Mumbai, Plot 24 and 25, Institutional Area, Kharghar, Navi Mumbai 410 210.

Objects of University.

4. The objects of the University shall be as follows: —

(a) to develop qualified youth with skill proficiency and competency at different levels ;

(b) to provide learning, teaching, capacity, capability and skills development and entrepreneurial training, covering a wide spectrum of domains and specializations as may be relevant from time to time, in the fields in which future jobs are going to be created such as automotive, apparel and furnishing, aviation and aerospace, media and entertainment, film, capital goods, communication, design, technology, management and entrepreneurship, business, banking and insurance, healthcare, hospitality, logistics, sports, travel and tourism, life sciences, applied and creative arts, humanities, data science and artificial intelligence, e-business, retail, analytics, agri business, related to industry 4.0 and any other fields of study including the imparting of skills that have employment potentiality ;

(c) to create and deploy new educational programs to promote creativity, innovation and entrepreneurship for inventing of new ways for development and social reconstruction and transformation ;

(d) to create entrepreneurs and intrapreneurs by providing necessary skill and support ;

(e) to frame credit framework for competency based skills education ;

(f) to establish state-of-the-art facilities for education, skills training and entrepreneurship development ;

(g) to carry out teaching, skilling and research and offer continuing quality education programmes ;

(h) to start skills development programmes aiming for employment and entrepreneurship courses in new and emerging areas with innovative approaches ;

(i) to institute postgraduate degree, PhD degree, research degree, degrees, diplomas, certificates and other academic distinctions on the basis of examinations or any other methods of evaluation ;

(j) to provide choice based credit system courses including online credit courses ;

(k) to provide higher vocational skill development and training through a variety of programs leading to gainful employment, entrepreneurship, on-job training and apprenticeship training ;

(l) to establish links, collaborations and partnerships with other institutions, industry and industry associations in India and abroad ;

(m) to establish innovative approaches for creation of seamlessness in academic structures, learning time-frames and working and continuous evaluation processes for nurturing and cultivation of creativity and entrepreneurship ;

(n) to aim at reaching the unreached by using latest information communication technology to deliver education, training and teaching resources to learners ;

(o) to provide a teaching learning pedagogy which combines multiple forms of education and learning pedagogy and delivery (blended or distance or online or skill or other) and thus provide a 'Virtual Campus' where students will come together with experienced faculty and industry members to develop and evolve ;

(p) to provide learning opportunities to wide range of learners representing diverse backgrounds, age groups and socio-economic status and geographic location through a self-paced, self-styled, face to face and online learning environment ;

(q) to deliver blended or distance or online degrees in skill education with prior permission of competent authority ;

(r) to collaborate with other colleges, universities, research institutions, profit and non-profit organizations, corporates, industry, industry associations, professional associations or other organizations in India or overseas to conceptualize, design, develop and offer specific education and research programmes, training programmes, skilling and exchange programmes for students, faculty members and others ;

(s) to provide a teaching learning pedagogy focused on hands-on training, professional and skill based training in line with market needs ;

(t) to conduct research in labour market requirements in order to understand emerging trends and offer suitable curricula, courses and programmes ;

(u) to undertake collaborative research and advocacy with any organizations in India or overseas for promoting innovative models of education, research, training and skill development aiming for employment and entrepreneurship ;

(v) to design and deliver high quality training, capacity building and development systems for teachers, administrators and working professionals ;

(w) to collaborate with other institutes, industries, businesses, universities or labs or agencies or organizations of repute from other States of India or foreign countries to offer joint programmes or courses or research or exchange faculty or information or share practices and give or receive equipment or resources or grants or consultancy for benefit of students ;

(x) to offer mechanism and facility for recognition of prior learning, upskilling and reskilling ;

(y) to offer mechanism and facility of credit banking or transfer system to create options of multi-entry and exit and opportunities for movement across universities or domains or sectors ;

(z) to provide students an opportunity of life long and continuous training through University courses offered through conventional or blended or distance or online education and other education delivery models suitable for different pedagogical approaches and systems ;

(za) to provide education, training and skill development opportunities to the informal sector and unorganized workforce in order to build productivity ;

(zb) to provide flexible and modular learning pathways thereby enabling multi entry and exit option ;

(zc) to provide vertical mobility to students undergoing technical, vocational and skill based education and training by offering Diploma, Bachelor, Masters and Doctoral programs in high growth sectors and offer various specializations to prepare the youth towards gainful employment ;

(zd) to provide a flexible and open system of learning ;

(ze) to conduct pedagogical and skill enhancement training and development programs for faculty and trainers who are involved in imparting vocational education and skill training ;

(zf) to provide professional and development services to the industry, organizations, agencies and the society at large ;

(zg) to undertake skill assessment certification for the students studying in the University as well as for other students, agencies, training providers, institutions,

industry and organizations ; to organize training on conducting skill assessments for faculty, trainers, agencies, institutions and organizations ; to do research in the pedagogy of skill assessments, online assessments, computerized assessments or tests and develop required software, hardware solutions or other systems or processes for carrying out assessments or tests ;

(zh) to use modern and post-modern processes, mechanisms and technologies for governance and management of learning, teaching, researching, evaluating, developing, organizing and creating socio-economic wealth for individuals and society for 21st century ;

(zi) to encourage industry and industry association participation through establishment of innovation labs, in-service training centers, workshops and active participation in all aspects of governance, curricula design, skill training, placements, internships, consultancy, joint projects, etc ;

(zj) to establish campuses, skill centers, community colleges, study centers, information centers, test or examination centers, centers of excellence, off campus, off shore campuses, etc., at various locations in and outside the State and country to facilitate delivery, student services and dissemination of education, consultancy, information and skill training with the permission of competent regulatory body after five years of establishment ;

(zk) to liaison or collaborate with various ministries, State bodies, departments, agencies or other statutory bodies at state, national, international level in order to understand education, skilling, employment and entrepreneurship needs and to impart programmes accordingly ;

(zl) to interact with industries for participation in curricula development, teacher training, practical, research, on-job training, skill assessment certifications, etc. ;

(zm) to undertake necessary or expedient action to pursue and promote the objectives of the University ;

(zn) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions conferred by a university are not lower than those laid down by the competent regulatory body.

Powers and
functions.

5. The University shall have the following powers and functions, namely:—

(i) to make provisions and adopt all measures (including adoption and updating of the curricula) in respect of study, teaching and research, relating to the courses through traditional as well as new innovative modes including on-line education mode ;

(ii) to develop curriculum packages and credit frameworks for different levels as may be prescribed by the University ;

(iii) to define norms and parameters of skill education, teaching and instruction, consistent with the credit framework and curriculum packages, as the University may deem fit ;

(iv) to institute and confer degrees, diplomas, certificates, awards, grades, credits and academic distinctions ;

(v) to conduct and hold examinations ;

(vi) to take necessary action to ensure students enrolled in programs are completing their programs and achieving target outcomes including apprenticeship training and on-job training ;

(vii) to provide for the degrees, diplomas, certificates, equivalent or corresponding to the degrees, diplomas, certificates of other recognized Universities, Boards or Councils ;

(viii) to deliver choice based credit system courses including online credit courses ;

(ix) to deliver higher vocational skill development and training through a variety of programs leading to gainful employment, entrepreneurship, on-job training and apprenticeship training ;

(x) to offer any academic programmes, as approved by its statutory bodies from time to time ;

(xi) to take all necessary measures for setting up campus ;

(xii) to institute and confer honorary degrees, as may be prescribed ;

(xiii) to institute and award fellowships, scholarships, studentships, as may be specified ;

(xiv) to take special measures for spreading educational facilities among the educationally backward strata of the society ;

(xv) to create technical, administrative and other necessary posts and to make appointments thereto ;

(xvi) to undertake research projects on mutually acceptable terms and conditions ;

(xvii) to provide consultancy services ;

(xviii) to frame Statutes, Ordinances, rules and Regulations for carrying out the objects of the University in accordance with the provisions of the Act ;

(xix) to encourage and promote co-curricular activities for personality development of the teachers, students and employees of the University ;

(xx) to provide for dual degrees, diplomas or certificates *vis-a-vis* other universities on reciprocal basis within and outside the country as per instructions of the competent regulatory body ;

(xxi) to make such provisions for integrated courses in different disciplines of the University ;

(xxii) to set-up centers, colleges, institutions, off-campus centers, off-shore campus, study centers, skill centers, examination centers, centers of excellence, satellite centers as per the instructions issued by the State Government, Central Government and competent regulatory body, from time to time ;

(xxiii) to receive donations, gifts and grants and to acquire, hold, manage and dispose of any property, movable or immovable, including trust or endowed property within or outside the State for the purposes and objects of the University with reference to prevailing rules and regulations and to invest funds, as may be prescribed ;

(xxiv) to prescribe the fee structure for various programs or courses, from time to time, as per provisions of this Act ;

(xxv) to demand and receive payments of such fees and other charges, as may be specified, from time to time ;

(xxvi) to seek collaboration with other institutions, industry, industry associations on mutually acceptable terms and conditions ;

(xxvii) to determine salaries, remunerations, honoraria to teachers and employees of the University in accordance with the norms specified by the competent regulatory bodies ;

(xxviii) to organize and to undertake extra-mural teaching and extension services ;

(xxix) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures as may be deemed necessary ;

(xxx) to make arrangements for promoting health and general welfare of the students and the employees of the University ;

(xxxi) to co-operate with any other University in and outside the country, authority or any public or private body having in view the promotion of purposes and objects similar to those of the University for such purposes, as may be agreed upon, on such terms and conditions as may be specified, from time to time ;

(xxxii) to provide for the printing, re-printing and publication of research and other work, including text books, which may be issued by the University ;

(xxxiii) to comply with and carry out directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities of the University ;

(xxxiv) institute degrees, diplomas, certificates and other academic distinctions on the basis of successful completion of respective degree programs and award of credits for academic work evaluated through multiple methods of assessment ;

(xxxv) to make provisions for designing the program structures, curricula, credit system, teaching learning methodology, evaluation pedagogy and adopt all measures in respect of study, teaching and research, relating to the programs offered by the University, in line with industry requirement ;

(xxxvi) to prescribe norms of minimum qualification for teachers, staff and Industry experts or resource persons to be appointed in teaching cadre and for training ;

(xxxvii) to prescribe the evaluation methodology including modalities of industry based skill assessment, industry based projects, internships, on the job training and any related activities ;

(xxxviii) to institute choice based credit system in-line with skill development pedagogy, providing students the facility of multi-entry exit and credit banking and transfer at all levels ;

(xli) to establish Department of Distance and Online Learning and Continuing Education, to offer certificate, diploma and degree programs to students and working professionals ;

(xli) to deliver blended or online degrees in skill education with prior permission of competent authority;

(xlii) to introduce online learning programs as per needs of the students and industry ;

(xlii) to purchase or to take on lease or leave and license any land or building, premises or infrastructure which may be necessary or convenient as the University may deem fit for attainment of its objects ;

(xliii) to conduct multiple enrollment cycles for Online Learning programs being offered by the University ;

(xliv) to institute scheme for multi-entry and multi exit, recognition of prior learning, credit banking and transfer, credit waiver, vertical and lateral mobility and any other such scheme which promotes skill development at large ;

(xlv) to establish Department of Recognition of Prior Learning to provide equivalency certificates, course exemptions, bridge courses, certificate of skill mapping, flexible learning pathways, etc. to students ;

(xlv) to undertake skill assessments for the students studying in the University as well as for other students, agencies, training providers, institutions, industry and organizations, desirous of undertaking third party assessments ;

(xlvii) to establish Vocational and Employment Guidance Cell to interact with local industries to understand the employment opportunities and emergent job requirements and to help students choose a career of his or her choice through career counselling ;

(xlviii) to impart career guidance and counselling to the youth ;

(xlix) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

6. (1) No citizen of India shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, nationality, religious belief or profession or political or other opinion. University open to all.

(2) The University shall adopt Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes, Special Backward Category, Person with Disability, Economically Weaker Sections (EWS), etc. for the purpose of admission of students in the University, University departments and institutions.

(3) The University shall adopt the general policy of the State Government in regard to the welfare of various categories of students from weaker sections of the society and minorities as directed by the State Government, from time to time.

7. The University shall be self-financed and it shall not be entitled to receive any grant or other financial assistance from the State Government. University to be self-financed.

8. (1) The sponsoring body shall establish a permanent statutory fund to be called the "the Endowment Fund" for the University which shall comprise of at least ten crore rupees which may be increased *suo motu* but shall not be decreased. Endowment Fund.

(2) The Endowment Fund shall be kept as security deposit to ensure strict compliance of the provisions of this Act, rules, Regulations, Statutes or Ordinances made thereunder.

(3) The Government shall have the powers to forfeit, in the prescribed manner, a part or whole of the Endowment Fund in case the University or the sponsoring body contravenes any of the provisions of this Act, rules, Statutes, Ordinances or Regulations made thereunder.

(4) Income from Endowment Fund may be utilized for the development of infrastructure of the University but shall not be utilized to meet out the recurring expenditure of the University.

(5) The amount of Endowment Fund shall be kept invested, until the dissolution of the University, by way of long term securities received or guaranteed by the Government subject to the condition that the amounts so invested from the Fund shall not be withdrawn without the permission of the Government.

(6) The certificates of the long term securities shall be kept in the safe custody of the Government ; and the Government shall have the right to encash the deposit amount for the purpose mentioned in sub-section (3).

9. The University shall also establish a fund, which shall be called the 'General Fund' to which following shall be credited, namely :— General Fund.

(i) fees and other charges received by the University ;

(ii) any contribution made by the sponsoring body ;

(iii) any income received from consultancy and other works undertaken by the University ;

(iv) bequests, donations, endowments and any other grants ; and

(v) all other sums received by the University.

Application of General Fund. **10.** The General Fund shall be utilized for meeting of all expenses, recurring or non-recurring in connection with the affairs of the University :

Provided that, no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without the prior approval of the Board of Management.

Officers of University.

11. The following shall be the officers of the University, namely :—

(i) the President who shall also be the Chancellor ;

(ii) the Vice-Chancellor ;

(iii) Deans ;

(iv) the Registrar ;

(v) the Chief Finance and Accounts Officer ;

(vi) the Director of Assessment and Evaluation ; and

(vii) such other persons in the service of the University, as may be declared by the Statutes, to be the officers of the University.

President.

12. (1) The President shall be appointed by the sponsoring body for a period of five years and shall be eligible for one more term.

(2) The eligibility criteria for the post of President shall be minimum a graduate from a recognized University with ten years experience in skill development or industry.

(3) The President shall be the Head of the University.

(4) The President shall preside over at the meetings of the Governing Body and convocation of the University for conferring degrees, diplomas or other academic distinctions.

(5) The President shall have the following powers, namely: —

(a) to call for any information or record from any officer or authority of the University, relating to the affairs of the University ;

(b) to appoint the Vice-Chancellor ;

(c) to remove the Vice-Chancellor in accordance with the provisions of sub-section (7) of section 14 of this Act ;

(d) such other powers as may be specified by the statutes.

Removal of President.

13. The President may be removed from his office by the sponsoring body, if it is satisfied that the incumbent,—

(a) becomes insane and stands so declared by a competent court ;

(b) has been convicted by a court for any offence involving moral turpitude ;

(c) become an undischarged insolvent and stands so declared by a competent court ;

(d) become physically unfit and incapable of discharging the functions or duties of the office due to protracted illness or physical disability ; or

(e) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or

any other conditions laid down by the Statutes, or has abused the powers vested in him or if the continuance of the President in the office has become detrimental to the interests of the University :

Provided that, the President shall be given a reasonable opportunity to show cause by the sponsoring body before taking recourse to action under clauses (d) and (e) for his removal from the said office.

14. (1) The Vice-Chancellor shall be appointed by the President, from a panel of three persons, fulfilling such eligibility criteria and on such terms and conditions as may be specified by Statutes, recommended by the Search-cum-Selection Committee constituted as per the rules or regulations framed by the University Grants Commissions. The Vice-Chancellor shall, subject to the provisions contained in sub-section (7), hold office for a term of three years :

Provided that, first Vice-Chancellor of the University shall be appointed by the sponsoring body, from amongst the persons possessing the requisite qualifications and experience therefor, for the period of one year or regular Vice-Chancellor is appointed, whichever is earlier:

Provided further that, after the expiry of the term of three years, the Vice-Chancellor shall be eligible for re-appointment for another term of three years :

Provided also that, the Vice-Chancellor shall continue to hold office even after the expiry of his term till new Vice-Chancellor joins, however, in any case, this period shall not exceed one year.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall have the powers of superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) The Vice-Chancellor shall preside over at the convocation of the University in the absence of the President.

(4) If in the opinion of the Vice-Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter, report his action to such officer or authority as would have in the ordinary course dealt with the matter :

Provided that, if in the opinion of the concerned officer or authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the President, whose decision thereon shall be final.

(5) If, in the opinion of the Vice-Chancellor, any decision of any authority of the University is outside the powers conferred by this Act or Statutes, Ordinances, Regulations or rules made thereunder or is likely to be prejudicial to the interests of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the President and his decision thereon shall be final.

(6) The Vice-Chancellor shall exercise such powers and perform such duties, as may be specified by the Statutes or the Ordinances.

(7) If at anytime upon representation made or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if he continuance of the Vice-Chancellor is not in the interests of the University, the President with approval of Governing Body may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date, as may be specified in the order :

Provided that, before taking an action under this sub-section, the Vice-Chancellor shall be given an opportunity of being heard.

Deans of
Faculties.

15. (1) The Deans shall be appointed by the President in such manner and on such terms and conditions of service as may be specified by the Statutes.

(2) The Deans shall assist the Vice-Chancellor in managing the academic affairs of the University and shall exercise such powers and perform such functions, as may be prescribed by the Regulations or be entrusted by the President and Vice-Chancellor.

Registrar.

16. (1) The Registrar shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.

(2) The Registrar shall be the chief administrative officer of the University. Subject to the decision of the authorities of the University, he shall have the power to enter into agreement, contract, sign documents and authenticate records on behalf of the University. He shall exercise such powers and perform such duties, as may be specified by the Statutes.

(3) The Registrar shall be the Member-Secretary of the Governing Body, Board of Management and Academic Council, but shall not have the right to vote.

(4) The registrar shall be the custodian of the records, the common seal and such other property of the University as the Governing Body may, commit to his charge.

(5) The registrar shall exercise such other powers and perform such other duties, as may be prescribed by or under this Act, or, as may be conferred on him by the Statutes or, may be assigned to him, by the Vice-Chancellor, from time to time.

Director of
Assessment and
Evaluation.

17. (1) The Director of Assessment and Evaluation shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.

(2) The Director of Assessment and Evaluation shall be the Principal officer-in-charge of the conduct of examinations and tests of the University and declarations of their results. He shall discharge his functions under the superintendence, directions and guidance of the Vice-Chancellor.

(3) The Director of Assessment and Evaluation shall be a full-time salaried officer of the University and shall work directly under the direction and control of the Vice-Chancellor of the University. His appointment shall be for a term of five years and he shall be eligible for re-appointment for a term not exceeding five years. The qualifications and experience for the purpose of selection of the Director shall be such, as may be prescribed by the Statutes.

(4) The Director of Assessment and Evaluation shall be responsible for,—

- (a) preparing and announcing in advance the calendar of examinations ;
- (b) arrangement for printing of question papers ;
- (c) arrangement for the timely publication of result of examinations and other tests ;
- (d) taking disciplinary action where necessary against the candidates, paper-setters, examiners, moderators or any other person connected with examinations and found guilty of malpractices in relation to the examinations ;
- (e) reviewing from time to time, the results of University examinations and forward reports thereon to the Academic Council.

(5) The Director of Assessment and Evaluation shall exercise such other powers and perform such other duties, as may be prescribed or assigned to him.

Chief Finance
and Accounts
Officer.

18. (1) The Chief Finance and Accounts Officer shall be the principal finance, accounts and audit officer of the University.

(2) The Chief Finance and Accounts Officer shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.

(3) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties, as may be specified by the Statutes.

19. (1) The University may appoint such other officers, as may be necessary for its functioning. Other officers.

(2) The manner of appointment of other officers of the University, the terms and conditions of service of such officers and their powers and functions shall be such, as may be specified by the Statutes.

20. The following shall be the authorities of the University, namely :—

Authorities of University.

(a) the Governing Body ;

(b) the Board of Management ;

(c) the Academic Council ;

(d) the Board of Assessment and Evaluation ; and

(e) such other authorities, as may be declared by the Statutes, to be the authorities of the University.

21. (1) The Governing Body of the University shall consist of the following members, Governing Body.
namely :—

(a) the President ;

(b) the Vice-Chancellor ;

(c) five persons, nominated by the sponsoring body out of whom two shall be eminent educationists and remaining shall be industry experts having five years experience in skill development ;

(d) one expert from outside the University, nominated by the President ;

(e) one person, nominated by the State Government having five years experience in skill development ;

(f) the Registrar of the University shall be the permanent invitee to the Governing Body but shall not have right to vote.

(2) The Governing Body shall be the supreme authority of the University.

(3) The Governing Body shall have the following powers, namely :—

(a) to provide general superintendence, quality control and directions and to control functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or rules made there under ;

(b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or rules made thereunder ;

(c) to approve the budget and annual report of the University ;

(d) to lay down the policies followed by the University ;

(e) to recommend to the sponsoring body about the voluntary liquidation of the University if a situation arises when smooth functioning of the University does not remain possible, in spite of all efforts ; and

(f) such other powers, as may be prescribed by the Statutes.

(4) The Governing Body shall, meet at least thrice in a calendar year or minimum once in every four months.

(5) The quorum for meetings of the Governing Body shall be five.

Board of Management. **22.** (1) The Board of Management shall consist of the following members, namely :—

(a) the Vice-Chancellor ;

(b) two members of the Governing Body, nominated by the sponsoring body ;

(c) two Deans of the University, by rotation, nominated by the Vice Chancellor ;

(d) three persons, who are not the members of the Governing Body, nominated by the sponsoring body ; and

(e) three persons from amongst the teachers, nominated by the sponsoring body.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such, as may be specified by the Statutes.

(4) The Board of Management shall meet at least once in every two months.

(5) The quorum for meetings of the Board of Management shall be five.

Academic Council. **23.** (1) The Academic Council shall consist of the Vice-Chancellor and such other members, as may be specified by the Statutes.

(2) The Vice-Chancellor shall be the ex-officio Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the rules, Statutes and Ordinances made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such, as may be specified by the Statutes.

Board of Assessment and Evaluation. **24.** (1) The Board of Assessment and Evaluation shall be the principal authority of the University for conducting the examination and making policy decisions in regard to organizing and holding examinations, schemes or policies for skill based assessments and weightage, improving the system of Assessment and Evaluation, appointing the paper-setters, examiners, moderators, skill assessors from industry, and also to prepare the schedule of Assessment and Evaluation and declaration of results. The Board of Assessment and Evaluation should also oversee and regulate the conduct of examinations in examination centers, skill centers, study centers or any center related to the University.

Explanation.—For the purposes of this section and of section 38, the expression “schedule of Assessment and Evaluation” means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations.

(2) The Board of Assessment and Evaluation shall consist of following members, namely :—

(a) the Vice-Chancellor - Chairperson ;

(b) two Deans of faculties of the University, by rotation, nominated by the Vice-Chancellor-Member ;

(c) one evaluation expert, co-opted by the Board of Assessment and Evaluation Member ;

(d) the Director of Assessment and Evaluation - Member-Secretary.

(3) The powers and functions of the Board of Assessment and Evaluation shall be such, as may be specified in the Statutes.

25. The constitution, powers and functions of other authorities of the University shall be such, as may be specified in the Statutes. Other authorities.

26. A person shall be disqualified for being a member of any of the authorities or bodies of the University, if he,— Disqualification.

(i) is of unsound mind and stands so declared by a competent court ; or

(ii) has been convicted of any offence involving moral turpitude ; or

(iii) is conducting or engaging himself in private coaching classes ; or

(iv) has been punished for indulging in or promoting unfair practices in the conduct of any examination.

27. No act or proceeding of any authority or body of the University shall be invalid merely by reason of any vacancy or defect in the constitution thereof. Vacancies not to invalidate act or proceedings of any authority or body of University.

28. In case, there occurs any casual vacancy, in any authority or body of the University, due to death, resignation or removal of a member, the same shall be filled, as early as possible, by the person or body who appoints or nominates the member, whose place becomes vacant and person appointed or nominated to a casual vacancy shall be a member of such authority or body for the residue of the term of such member in whose place he has been so appointed or nominated. Filling of casual vacancies.

29. (1) The authorities or officers of the University may constitute committees with such terms of reference for specific tasks to be performed by such committees, as may be necessary. Committees.

(2) The constitution of such committees shall be such, as may be specified by the Statutes.

30. (1) The first Statutes of the University shall, be made by the Governing Body and shall be submitted to the Government for its approval. First Statutes.

(2) Subject to the provisions of this Act and the rules made thereunder, the first Statutes of the University may provide for all or any of the following matters, namely :—

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted, from time to time ;

(b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions ;

(c) the manner of appointment and terms and conditions of service of the Dean of Faculties, Registrar and Chief Finance and Accounts Officer and their powers and functions ;

(d) the manner of appointment and terms and conditions of service of the employees and their powers and functions ;

(e) the procedure for arbitration in case of disputes between employees, students and the University ;

(f) the conferment of honorary degrees ;

(g) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships ;

(h) provisions regarding the policy of admissions, number of seats in different courses including regulation of reservation of seats ; and

(i) provisions regarding fees to be charged from the students.

(3) The Government shall consider the first Statutes, submitted by the University and shall within four months from the date of its receipt give its approval thereon with such modifications, if any, as it may deem necessary.

(4) The Government shall publish the first Statutes, as approved by it, in the *Official Gazette* and thereafter, such Statutes shall come into force from the date of such publication.

Subsequent
Statutes.

31. (1) Subject to the provisions of this Act and the rules made there under, the subsequent Statutes of the University may provide for all or any of the following matters, namely :—

(a) creation of new authorities of the University ;

(b) accounting policy and financial procedure ;

(c) representation of teachers in the authorities of the University ;

(d) creation of new departments and abolition or restructuring of existing departments;

(e) institution of medals and prizes ;

(f) creation of posts and procedure for abolition of posts ;

(g) revision of fees ;

(h) alteration of the number of seats in different syllabi ; and

(i) all other matters under the provisions of this Act shall be specified by the Statutes.

(2) The Statutes of the University other than the first Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes so made in the manner provided, hereinafter in this section :

Provided that, the Board of Management shall not make any Statute or any amendment of the Statutes affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal and any opinion so expressed shall be in writing and shall be considered by the Governing Body.

(4) Every such Statute or addition to the Statutes or any amendment or repeal of the Statutes shall be subject to the approval of the Government :

Provided that, no Statutes shall be made by the Board of Management affecting the discipline of students and standards of instruction, education and examination except in consultation with the Academic Council.

First
Ordinances.

32. (1) The first Ordinances of the University shall be made by the Governing Body and shall be submitted to the Government for its approval.

(2) Subject to the provisions of this Act or the rules or Statutes made thereunder, the Board of Management may make such first Ordinances with the approval of the Governing Body as it deems appropriate for the furtherance of the objects of the University and such Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such ;
- (b) the courses of study to be laid down for the degrees, diplomas and certificates of the University ;
- (c) the award of the degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same and the means to be taken relating to the granting and obtaining of the same ;
- (d) the conditions for awarding of fellowships, scholarships, stipends, medals and prizes ;
- (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
- (f) fees to be charged for the various courses, examinations, degrees and diplomas of the University ;
- (g) the conditions of residence of the students in the hostels of the University ;
- (h) provisions regarding disciplinary action against the students ;
- (i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University ;
- (j) the manner of co-operation and collaboration with other Universities and institutions of higher education ; and
- (k) all other matters which are required to be provided by the ordinances under the provisions of this Act or the Statutes made there under.

(3) The Government shall consider the first Ordinances submitted by the Vice-Chancellor under sub-section (1) and shall give its approval within four months from the date of its receipt, with such modifications, if any as it may deem necessary.

33. (1) All Ordinances other than the first Ordinances shall be made by the Academic Council, which after being approved by the Board of Management, shall be submitted to the Governing Body for its approval. Subsequent Ordinances.

(2) The Academic Council shall either modify the Ordinances incorporating the suggestions of the Board of Management and the Governing Body or give reasons for not incorporating the suggestions and shall return the ordinances along with such reasons, if any. The Board of Management and the Governing Body shall consider the suggestions of the Academic Council and shall approve the Ordinances of the University with or without such modification and then the Ordinances, as approved by the Governing Body shall come into force.

34. The authorities of the University may, subject to the prior approval of the Board of Management, make Regulations, consistent with the provisions of this Act, the Rules, Statutes and the Ordinances made thereunder, for the conduct of their own business and of the committees appointed by them. Regulations.

35. (1) Admission in the University shall be made strictly on the basis of merit. Admissions.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination for admission and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State :

Provided that, admission in professional and technical courses shall be made only through entrance test.

(3) Seats for admission in the University, for the students belonging to Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jattis*), Nomadic Tribes, Other Backward Classes, Special Backward Category, Person With Disability students and Economically Weaker Section (EWS), shall be reserved as per the policy of the State Government :

Provided that, the total reservation in any case shall not exceed fifty per cent.

(4) Out of the total approved intake capacity, forty per cent. of the seats shall be reserved for the students having domiciled in the State of Maharashtra.

Fees Structure
Review
Committee.

36. (1) The university may, from time to time, prepare its fees structure for various courses and programmes and forward it for approval of the Fees Structure Review Committee constituted by the State Government by the Government Resolution, issued from time to time, to review the fees structure, for various courses and programmes of all self-financed universities.

(2) The procedure to be adopted by the Fees Regulating Authority and factors for determination of fees structure provided in sections 14 and 15 of the Maharashtra Unaided Private Professional Educational Institutions (Regulations of Admissions and Fees) Act, 2015, shall *mutatis mutandis* be followed by the Fees Structure Review Committee while considering the fees structure proposal prepared by the university.

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of 2015.

(3) The committee shall consider the fees structure prepared by the university, review it and shall submit its recommendations to the Government after taking into consideration whether the proposed fees is,—

(a) sufficient for,—

(i) generating resources for meeting the recurring expenditure of the University; and

(ii) the savings required for further development of the University; and

(b) not unreasonably excessive.

(4) After receipt of the recommendations under sub-section (3), if the Government is satisfied that the proposed fees structure is sufficient and reasonable, it may approve the fees structure. If the Government is satisfied that the proposed fees structure is not sufficient and unreasonable then, it may reject it and send it back to the committee for its reconsideration. The fees structure approved by the Government shall remain valid until next revision.

(5) The State Government shall not reimburse any fees or shall not take any financial liability for students belonging to the backward classes admitted into the university.

(6) The University shall not charge any fees, by whatever name called, other than that for which it is entitled under sub-section (4).

Prohibition of
capitation fee.

37. (1) No capitation fee shall be collected by or on behalf of the University or by any person who is in charge of, or is responsible for, the management of such institution, from or in relation to any student in consideration of his admission to and prosecution of any course of study or of his promotion to a higher standard or class in such institution.

(2) Notwithstanding anything contained in sub-section (1), the management may in good faith collect or accept donations in cash or kind, in the prescribed manner, from benevolent persons or organization or public trusts or any other association of persons, for opening of new educational institutions for creation of endowment fund, for award of scholarship, prizes or the like, but while collecting or accepting such donations the management shall not reserve any seats in any educational institution run by it in consideration of such donations. Where in consideration of accepting such donations any seat is reserved for admission to any student in such institution such acceptance of donation

shall be deemed to be collection of capitation fee, within the meaning of clause (a) of section 2 of the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, Mah. VI of 1988. 1987.

38. At the beginning of each academic session and in any case not later than 31st July of every calendar year, the University shall prepare and publish a semester-wise or annual, as the case may be, Schedule of Assessment and Evaluation for each and every course conducted by it and shall strictly adhere to such Schedule :

Schedule of Assessment and Evaluation.

Provided that, if for any reason whatsoever, the University is unable to follow such Schedule, it shall, as soon as practicable, submit a report to the Government, giving the detailed reasons for making a departure from the published Schedule of Assessment and Evaluation. The Government may, thereon, issue such directions, as it may deem fit for better compliance in future.

39. (1) The University shall strive to declare the results of every assessment and evaluation conducted by it within thirty days from the last date of the assessment and evaluation for a particular course and shall in any case declare the results latest within forty-five days from such date :

Declaration of results.

Provided that, if for any reason whatsoever, the University is unable to finally declare the results of any assessment and evaluation within the period of forty- five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such directions, as it may deem fit, for better compliance in future.

(2) No assessment and evaluation or the results of an assessment and evaluation shall be held invalid only for the reasons that the University has not followed the Schedule of Assessment and Evaluation as stipulated in section 38 or that the University has failed to declare the results within the period specified in sub-section (1).

40. The convocation of the University shall be held in every academic year in the manner, as may be specified by the Statutes for conferring degrees, diplomas, awards or for any other purpose.

Convocation.

41. The University shall obtain national or international accreditation from any such other body or authority, as may be determined by the University, as per the contemporariness and relevance of the marketplace after five years of existence.

Accreditation of University.

42. Notwithstanding anything contained in this Act, the University shall be bound to comply with all the rules, regulations, norms, etc., of the competent regulatory bodies and provide all such facilities and assistance to such bodies, as are required by them to discharge their duties and carry out their functions.

University to follow rules, regulations, norms, etc. of regulatory bodies.

43. (1) The annual report of the University shall be prepared by the Board of Management which shall include among other matters, the steps taken by the University towards the fulfillment of its objects and shall be approved by the Governing Body and copy of the same shall be submitted to the sponsoring body.

Annual report.

(2) The annual report prepared under sub-section (1) shall also be presented to the Government.

(3) The State Government shall cause such report to be laid before each house of the State Legislature.

44. (1) The annual accounts including balance sheet of the University shall be prepared under the directions of the Board of Management and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

Annual accounts and audit.

(2) A copy of the annual accounts together with the audit report shall be submitted to the Governing Body.

(3) A copy of the annual accounts and audit report along with the observations of the Governing Body shall be submitted to the sponsoring body.

(4) Copies of annual accounts and balance sheet prepared under sub-section (1) shall also be presented to the Government.

(5) The advice of the Government, if any, arising out of the accounts and audit report of the University shall be placed before the Governing Body and the Governing Body shall issue such directions, as it may deem fit and compliance thereof shall be reported to the Government.

Powers of
Government to
inspect
University.

45. (1) For the purpose of ascertaining the standards of teaching, assessment and evaluation and research or any other matter relating to the University, the Government may, after consultation with the President and Vice-Chancellor, cause an assessment to be made in such manner, as may be prescribed, by such person or persons, as it may deem fit.

(2) The Government shall communicate to the University its recommendations in regard to the result of such assessment for corrective action and the University shall take such corrective measures as are necessary, so as to ensure the compliance of the recommendations.

(3) If the University fails to comply with the recommendations made under sub-section (2) within a reasonable time, the Government may give such directions, as it may deem fit which shall be binding on the University.

Dissolution of
University by
sponsoring
body.

46. (1) The sponsoring body may dissolve the University by giving a notice to this effect to the Government, the employees and the students of the University at least one year in advance:

Provided that, dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be.

(2) On the dissolution of the University all the assets and liabilities of the University shall vest in the sponsoring body :

Provided that, in case the sponsoring body dissolves the University before fifteen years of its establishment, all assets of the University without liabilities and free from all encumbrances shall vest with the State Government, who shall utilize it for educational purposes only.

Special
powers of
State
Government in
certain
circumstances.

47. (1) If it appears to the Government that the University has contravened any of the provisions of this Act or the rules, Statutes or Ordinances made there under or has contravened any of the directions issued by it under this Act or has ceased to carry out any of the undertakings given under section 5 of this Act or a situation of financial mis-management or mal-administration has arisen in the University, it shall issue notice requiring the University to show cause within forty-five days as to why an order of its liquidation should not be made.

(2) If the Government, on receipt of reply of the University on the notice issued under sub-section (1), is satisfied that, there is a *prima facie* case of contravention of all or any of the provisions of this Act or the rules, Statutes or Ordinances made thereunder or of contravention of the directions issued by it under this Act or of ceasing to carry out the undertaking given under section 5 of this Act or of financial mis-management or mal-administration, it shall make an order of such enquiry, as it may consider necessary.

(3) The Government shall, for the purpose of any enquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The Enquiry Officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence ;

(c) requisitioning any public record from any court or office ; and

(d) any other matter which may be prescribed.

(5) The inquiry officer or officers, inquiring under this Act, shall be deemed to be a civil court for the purposes of section 195 and Chapter 26 of the Code of Criminal Procedure, 1973.

(6) On receipt of the enquiry report from the officer or officers appointed under sub-section (3), if the Government is satisfied that the University has contravened all or any of the provisions of this Act or the rules, Statutes, or Ordinances made thereunder or has violated any of the directions issued by it under this Act or has ceased to carry out the undertakings given by it under section 5 of this Act, or a situation of financial mismanagement or mal-administration has arisen in the University which threatens the academic standard of the University, it shall issue a preliminary order for the liquidation of the University and appoint an administrator.

(7) The administrator appointed under sub-section (6) shall have all the powers and be subject to all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be.

(8) After having awarded the degrees, diplomas or awards, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to this effect to the Government.

(9) On receipt of the report under sub-section (8), the Government shall, by notification in the *Official Gazette*, issue a final order dissolving the University and from the date of publication of such notification, the University shall stand dissolved and all the assets and liabilities of the University shall vest in the sponsoring body from such date.

48. (1) Immediately after the commencement of this Act, there shall be established a Secretary Level Committee in order to verify and ensure compliance of the requirements to the guidelines relating to the establishment of self-financed skills universities, framed by the State Government, from time to time ; and of the undertakings submitted by the sponsoring body. The committee shall consist of the Secretaries-in-charge of the Skill, Employment, Entrepreneurship and Innovation Department, the Finance Department and the Planning Department.

Secretary Level Committee.

(2) The committee constituted under sub-section (1), shall submit its report to the Government.

(3) On receipt of the report under sub-section (2), the State Government shall, publish a notification in the *Official Gazette* allowing the operationalization of the University.

(4) The University shall admit the students only after issuance of the notification under sub-section (3).

Inspection by
Secretary
Level
Committee.

49. The Secretary Level Committee established under sub-section (1) of section 48 of this Act may, carry out an inspection of the University as and when directed by the Government and verify and ensure compliance of the requirements of the guidelines issued by the State Government or the Central Government, from time to time, relating to the establishment of self-financed skills universities and compliance of the provisions of the relevant laws for the time being in force.

Punishment.

50. Contravention of any of the provision of this Act, shall be an offence and the University as well as officers of the University specified under section 11 shall be punished with imprisonment for a term which shall not be less than three months but which may extend to one year and fine not less than rupees fifty thousand which may extend to rupees five lakhs :

Provided that, nothing in this section shall be construed as preventing the Government from initiating any action, whether civil or criminal, for non-compliance of the provisions of this Act including proceedings for liquidation of the University.

Offences by
companies.

51. (1) Where an offence under this Act, or the rules made thereunder, is committed by a company, every person who at the time when the offence was committed, was in- charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or the rules made thereunder, has been committed by a company with the consent or connivance of, or is attributable to or on the part of, any Director, Manager, Secretary or other Officer or servant of the company, such Director, Manager, Secretary or other officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “Company means a body corporate and includes a trust, a firm, society, an institution or other association of individuals ; and

(b) “Director” in relation to,—

(i) A firm means a partner in the firm;

(ii) A society, a trust, an institution or other association of persons, or body of individuals, means the person who is interested under the rules or bye-laws of the society, trust, institution or other association or body with the management of the affairs of the society, trust, institution or other association or body, as the case may be.

Power to make
rules.

52. (1) The Government may, by notification, make rules to carry out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) matters to be prescribed under clause (d) of sub-section (4) of section 47 ;

(b) any other matter which is required to be, or may be, prescribed by rules.

(3) All the rules made under this Act shall be laid, as soon as may be after it is made, before each house of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which they are so laid or the sessions immediately

following, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification, have effect only in such modified form or be of no effect, as the case may be ; so, however that, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done thereunder.

53. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty : Power to
remove
difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1), shall be laid, as soon as may be, after it is made, be laid before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

In line with the National Educational Policy, 2020, the State Government considers it expedient to establish and incorporate Self-financed Skills Universities to promote skills education, employability training and startups incubation with a view to enhance skill development, employment and entrepreneurship in the State of Maharashtra.

2. The Government further considers it expedient to make a new law to establish a Self-financed Skills University by the name of ITM Skills University, Navi Mumbai which will create an enabling environment for—

(1) developing competent, skilled and capable youth imbued with skills, learning and the spirit of entrepreneurship to meet the skilled employment needs of the country;

(2) promoting skills education including employment and entrepreneurship in an integrated manner with industry so as to ensure pathways for progression and mobility;

(3) establishing Campuses, Regional Centers, Skill Centers, Community Colleges, Study Centers, Information Centers, Test or Examination Centers, Centers of Excellence etc., at various locations in the State to facilitate delivery, student services and dissemination of education, consultancy, information and skill training;

(4) providing skilling and employment opportunities to wide range of learners representing diverse backgrounds, age groups and socio-economic status and geographic location using the latest technology;

(5) partnering with employers, industries and industry associations to ensure relevant curricula design, skill training, placements, internships, consultancy, joint projects, etc.;

(6) supporting the economically backward communities in terms of providing employment, entrepreneurship and self-employment opportunities;

(7) promoting inclusive growth by facilitating employment and providing self-employment guidance for the youth to enhance their incomes, thus promoting inclusive growth.

3. The Bill seeks to establish a Self-Financed Skills University by the name of ITM Skills, University, Navi Mumbai.

Nagpur,

Dated : 27th December, 2022.

MANGAL PRABHAT LODHA,

Minister for Skill, Employment,

Entrepreneurship and Innovation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 5(xxiv).—Under this clause, power is taken to the University to prescribe the fee structure for various courses.

Clause 8(3).—Under this clause, power is taken to the Government, to prescribe the manner for forfeiting a part or whole of the Endowment Fund, in case the university or the sponsoring body contravenes any of the provision of this Act, rules, Statutes, Ordinances or Regulations made thereunder.

Clause 15(2).—Under this clause, power is taken to the University, to prescribe by Regulations, the powers and functions of the Deans.

Clause 16(5).—Under this clause, power is taken to the University, to prescribe by Statutes or Ordinances or regulations, the powers and duties of the Registrar.

Clause 17.—Under this clause, power is taken to the University,—

(a) under sub-clause (3), to prescribe by Statutes or Ordinances or Regulations, the qualifications and experience for the selection of the Director of Assessment and Evaluation ;

(b) under sub-clause (4), to prescribe by Statutes or Ordinances or Regulations, the powers and duties of the Director of Assessment and Evaluation ;

Clause 18.—Under this clause, power is taken to the University,—

(a) under sub-clause (2), to specify by Statutes, the manner of appointment and terms and conditions of service of the Chief Finance and Accounts Officer ;

(b) under sub-clause (3), to specify by Statutes, the powers and duties of the Chief Finance and Accounts Officer.

Clause 19(2).—Under this clause, power is taken to the University to specify by Statutes, the manner of appointment, the terms and conditions of service of the officers and their powers and functions.

Clause 21(3)(f).—Under this clause, power is taken to the University, to prescribe the other powers of the Governing Body by the statutes.

Clause 23(4).—Under this clause, power is taken to the University, to specify by Statutes, quorum for meeting of the Academic Council.

Clause 24(3).—Under this clause, power is taken to the University to specify by Statutes, the powers and functions of the Board of Assessment and Evaluation.

Clause 30(4).—Under this clause, power is taken to the Government, to publish the first Statutes, as approved by it, in the *Official Gazette*.

Clause 45(1).—Under this clause, power is taken to the Government, to prescribe the manner for causing an assessment for the purpose of ascertaining the standards of teaching, examination and research or any other matters relating to the University.

Clause 47(9).—Under this clause, power is taken to the Government, to issue a final order dissolving the University, by notification in the *Official Gazette*.

Clause 48(3).—Under this clause, power is taken to the Government to issue notification in the *Official Gazette*, after which University shall be operational.

Clause 52.—Under this clause, power is taken to the State Government to make rules for carrying into effect the purposes of this Act by issuing a notification in the *Official Gazette*.

Clause 53.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty, which may arise in giving effect to the provisions of this Act, within a period of two years from the date of commencement.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

Vidhan Bhavan :

Nagpur,

Dated : 28th December, 2022.

RAJENDRA BHAGWAT,

Principal Secretary,

Maharashtra Legislative Assembly.